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Counsel to Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> , ¹) Chapter 11
)
Debtors.) (Jointly Administered)
)

**NOTICE OF FILING OF (A) MOTION AND CONSTITUTIONAL
QUESTION RAISED THEREIN AND (B) HEARING THEREON**

PLEASE TAKE NOTICE THAT the Circuit City Stores, Inc. Liquidating Trust (the “Trust”), through its Trustee, Alfred H. Siegel has filed in the United States Bankruptcy Court for the Eastern District of Virginia (the “Bankruptcy Court”) the *Motion of the Liquidating Trustee to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable to the United States Trustee Pursuant to 28 U.S.C. § 1930(a)(6) and Memorandum in Support* (the “Motion”).

Pursuant to Federal Rule of Bankruptcy Procedure 9005.1 and Federal Rule of Civil Procedure 5.1, please note that the Motion asks the Bankruptcy Court to find that 28 U.S.C. § 1930(a)(6) is unconstitutional due to its violation of the Uniformity Clause as applied to this Case and that the amendment to 28 U.S.C. § 1930 cannot be retroactively applied at all as it relates to this Case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in these bankruptcy cases. (If you do not have an attorney,

¹ The Debtors in these chapter 11 cases (collectively, the “Case”), along with the last four digits of their respective federal tax identifications numbers, are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky Venture Corp. (0311), Prahs, Inc. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512)

you may wish to consult one). Under the Case Management Order (as defined hereafter) and Local Bankruptcy Rule 9013-1, unless a written response to the Motion is filed with the Clerk of Court and served on the moving party within seven (7) days before the scheduled hearing date, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the relief requested.

PLEASE TAKE FURTHER NOTICE THAT in connection with the Debtors' Chapter 11 Cases, a Supplemental Order Establishing Certain Notice, Case Management and Administrative Procedures [Docket No. 6208] (the "Case Management Order") was entered by the Court on December 30, 2009, which, among other things, prescribes the manner in which objections must be filed and served and when hearings will be conducted. A copy of the Case Management Order may be obtained at no charge from counsel below or via PACER at <http://www.vaeb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE that on **April 18, 2019 at 1:00 p.m.** (or such time thereafter as the matter may be heard) the undersigned will appear before The Honorable Kevin R. Huennkens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219, and will move the Court for entry of an order approving the Motion.

If you do not want the Court to grant the relief, or if you want the Court to consider your views on the Motion, then within seven (7) days before the hearing you or your attorney must:

File with the Court, at the address shown below, a written response with supporting memorandum pursuant to Local Bankruptcy Rule 9013-1 and the Case Management Order. You must mail or otherwise file it early enough so the Court will **receive** it on or before the due date identified herein.

Clerk of the Court
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, VA 23219

You must also serve a copy on the undersigned.

PLEASE GOVERN YOURSELF ACCORDINGLY.

March 28, 2019

TAVENNER & BERAN, P.L.C.

/s/ Paula S. Beran

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-and-

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*Counsel to Alfred H. Siegel, as Trustee of the Circuit City
Stores, Inc. Liquidating Trust*

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2019, I electronically filed the foregoing as well as the Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all ECF registrants in this Case, specifically including the following:

Robert K. Coulter on behalf of United States of America
robert.coulter@usdoj.gov; USAVAE.ALX.ECF.BANK@usdoj.gov

Robert P. McIntosh on behalf of United States of America
Robert.McIntosh@usdoj.gov; USAVAE.RIC.ECF.CIVIL@usdoj.gov;
Heidi.E.Bokor@usdoj.gov; HBokor@usa.doj.gov

USTPRegion04.NO.ECF@usdoj.gov; USTPRegion04.RH.ECF@usdoj.gov;
Robert.B.Van.Arsdale@usdoj.gov on behalf of John P. Fitzgerald III, Acting United States
Trustee

I further certify that the foregoing was served upon the Attorney General of the United States of America by mailing a copy of this Notice to the addresses indicated below by certified mail:

John P. Fitzgerald III, Acting United States Trustee
Office of the U.S. Trustee - Region 4 -R
701 E. Broad Street, Suite 4304
Richmond, VA 23219

John P. Fitzgerald III, Acting United States Trustee
Office of The United States Trustee
5 Post Office Square, Suite 1000

Boston, MA 02109-3934

United States of America
c/o Lee J. Lofthus
Assistant A.G. for Administration
950 Pennsylvania Ave., NW, Rm. 1111
Washington, DC 20530

United States of America
c/o William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001

United States of America
c/o G. Zachary Terwilliger, Esquire
2100 Jamieson Avenue
Alexandria, VA 22314

I further certify that the same will be served upon the Core and 2002 service lists for this Case and a supplemental proof of service regarding the same will be filed with the Court.

/s/ Paula S. Beran
Paula S. Beran (VA Bar No. 34679)

*Counsel to Alfred H. Siegel, as Trustee of the Circuit City
Stores, Inc. Liquidating Trust*